

§ 319.56-2a

7 CFR Ch. III (1-1-06 Edition)

from these areas without treatment for the specified pests.

(k) Any fruit or vegetable that is required by this subpart to be treated or subjected to other growing or inspection requirements to control one or more of the 11 species of fruit flies and one species of seed weevil listed in §305.31(a) of this chapter as a condition of entry into the United States may instead be treated by irradiation in accordance with part 305 of this chapter.

(Approved by the Office of Management and Budget under control numbers 0579-0049 and 0579-0210)

[24 FR 10788, Dec. 29, 1959, as amended at 52 FR 29370, Aug. 7, 1987; 53 FR 10057, Mar. 29, 1988; 53 FR 27956, July 26, 1988; 54 FR 12873, Mar. 29, 1989; 56 FR 1731, Jan. 17, 1991; 56 FR 10790, Mar. 14, 1991; 57 FR 10976, Apr. 1, 1992; 58 FR 43497, Aug. 17, 1993; 58 FR 69179, Dec. 30, 1993; 59 FR 9382, Feb. 28, 1994; 62 FR 50235, 50238, Sept. 25, 1997; 64 FR 2994, Jan. 20, 1999; 66 FR 45158, Aug. 28, 2001; 67 FR 65029, Oct. 23, 2002; 68 FR 2684, Jan. 21, 2003; 68 FR 37916, June 25, 2003; 70 FR 33325, June 7, 2005; 70 FR 72887, Dec. 8, 2005]

**§319.56-2a Permits required for entry of chestnuts and acorns and certain coconuts.**

It has been determined that the drying and processing of chestnuts and acorns, and of coconuts imported into Guam from the Trust Territory, may not entirely eliminate risk of spread of injurious insects. Therefore, notice is hereby given that chestnuts and acorns of all varieties and species may be imported into any part of the United States from any foreign country and coconuts may be imported into Guam from the Trust Territory, only under permit and upon compliance with the safeguards prescribed therein pursuant to §319.56-2.

**§319.56-2b Administrative instructions; conditions governing the entry of acorns and chestnuts.**

(a) *Countries other than Canada and Mexico.* Except for importations of acorns and chestnuts grown in and shipped from Canada and Mexico, acorns and chestnuts are permitted entry into the United States under permit, for purposes other than propagation, under the provisions of §319.56 as follows:

(1) *Condition of entry.* Notwithstanding §319.56-2(e) (1) and (2), all shipments of acorns and chestnuts are required to be treated as a condition of entry. Fumigation with methyl bromide in accordance with procedures described in this section is effective against the chestnut and acorn weevils, *Curculio elephas* (Cyllenhal) and *C. nucum* Linnaeus; the nut fruit tortrix, et al., *Laspeyresia splendana* (Hubner), *Laspeyresia* spp., and *Hemimene juliana* (Curtis); and other insect pests of chestnuts and acorns. Accordingly, this treatment is approved as a condition of entry in connection with the issuance of permits under §319.56-3 for the importation of chestnuts and acorns from any country except Canada and Mexico.

(2) *Ports of entry.* Acorns and chestnuts to be offered for entry may be shipped from the country of origin to United States ports which are named in the permit.

(3) *Approved fumigation.* The approved treatment shall consist of fumigation with methyl bromide. The acorns and chestnuts may be fumigated in vacuum or normal atmospheric chambers, van containers, or tarpaulins that have been approved for that purpose by the Plant Protection and Quarantine Programs. When the fumigation is carried out under tarpaulins or in van containers, it must be accomplished in a manner satisfactory to the inspector by insuring adequate air and commodity temperatures, and proper volatilization, distribution, and concentration of the fumigant. Fumigation with methyl bromide shall be in accordance with the following schedules:

(i) In chamber at normal atmospheric pressure (NAP):

Temperature (°F.)	Methyl bromide dosage in pounds per 1,000 cu. ft.	Exposed period (hours)
90-96 .....	4	3
80-89 .....	4	4
70-79 .....	5	4
60-69 .....	5	5
50-59 .....	6	5
40-49 .....	6	6

(ii) In chamber at 26" vacuum:

Temperature (°F.)	Methyl bromide dosage in pounds per 1,000 cu. ft.	Exposed period (hours)
80-96 .....	3	2
70-79 .....	4	2
60-69 .....	4	3
50-59 .....	4	4
40-49 .....	4	5

(iii) In van containers or under tarpaulins: Fumiscope readings are required to assure minimum gas concentration as specified in this paragraph (a)(3)(iii) of this section at the end of the first one-half hour and at the completion of the exposure period.

Temperature (°F.)	Methyl bromide dosage in pounds per 1,000 cu. ft.	Exposed period (hours)
90-96 .....	4	3
(minimum concentration first ½ hour—58 oz.).		
(minimum concentration at completion—34 oz.).	4	4
80-89 .....		
(minimum concentration first ½ hour—58 oz.).	5	4
(minimum concentration at completion—32 oz.).		
70-79 .....	5	5
(minimum concentration first ½ hour—72 oz.).		
(minimum concentration at completion—42 oz.).	6	5
60-69 .....		
(minimum concentration first ½ hour—72 oz.).	6	6
(minimum concentration at completion—40 oz.).		
50-59 .....	6	6
(minimum concentration first ½ hour—85 oz.).		
(minimum concentration at completion—50 oz.).	6	6
40-49 .....		
(minimum concentration first ½ hour—85 oz.).	6	6
(minimum concentration at completion—48 oz.).		

The fumigation temperatures used in these treatment schedules shall be that of the nut kernels. Acorns and chestnuts fumigated in van containers or under tarpaulins must be stacked in the container to provide for circulation

of the fumigant under the load. Refrigerated van containers fitted with floor grooves meet this requirement. Van containers not fitted with floor grooves and tarpaulins should have provision for air circulation under the load by use of dunnage or pallets. Minimum concentrations of fumigant during the exposure period shall be maintained as specified in the treatment schedules. Because of the presence of various gases emitted by the nuts, special filtering procedures will be necessary for determination of the actual fumigant concentrations. At the end of the treatment exposure period the nuts shall be aerated for a minimum of one-half hour.

(4) *Supervision of treatment.* The treatment approved in this section must be conducted under the supervision of an inspector of the Plant Protection and Quarantine Programs. The inspector shall require such safeguards in each specific case for unloading and handling of the nuts at the port of entry, transportation of the nuts from the place of unloading to the treatment facilities, and their handling during fumigation and aeration as required by paragraph (a)(3) of this section, as he deems necessary to prevent the spread of plant pests and assure compliance with the provisions of this subpart. If any part of the treatment is conducted in the country of origin, the person or organization requesting the service must enter into a formal agreement with the Plant Protection and Quarantine Programs to secure the services of an inspector.

(5) *Costs.* All costs of treatment, required safeguards, and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the commodity or his representative.

(6) *Department not responsible for damages.* The treatment prescribed in paragraph (a)(3) of this section is judged from experimental tests to be safe for use with acorns and chestnuts. However, the Department assumes no responsibility for any damage sustained through or in the course of the treatment, or because of safeguards required under paragraph (a)(4) of this section.

(b) *Canada and Mexico.* Acorns and chestnuts grown in and shipped from Canada and Mexico for purposes other than propagation are enterable without permit or further restriction under this subpart.

(c) *Nuts for propagation.* Acorns and chestnuts from any country may be imported for purposes of propagation only in accordance with §319.37.

[37 FR 19799, Sept. 22, 1972, as amended at 68 FR 37916, June 25, 2003]

**§319.56–2c Administrative instructions authorizing the importation of frozen fruits and vegetables.**

(a) The Administrator, under authority contained in §319.56–2, prescribes quick freezing in accordance with part 305 of this chapter as a satisfactory treatment for all fruits and vegetables enterable under permit under §319.56. Such frozen fruits and vegetables may be imported from any country under permit and in compliance with §§319.56–1 through 319.56–7 (exclusive of non-related administrative instructions), at such ports as authorized in the permits.

(b) The importation from foreign countries of frozen fruits and vegetables is not authorized when such fruits and vegetables are subject to attack in the area of origin, by plant pests that may not, in the judgment of the Administrator, be destroyed by quick freezing.

[70 FR 33325, June 7, 2005]

**§319.56–2d Administrative instructions for cold treatments of certain imported fruits.**

(a) *Treatments authorized.* Fresh fruits imported in accordance with this subpart and required under this subpart to receive cold treatment as a condition of entry must be cold treated in accordance with part 305 of this chapter. The cold treatments listed in part 305 of this chapter are authorized for any fruit required to be cold treated under this subpart.

(b) *Place and manner of treatments—(1) Places of precooling and refrigeration.* Refrigeration may be conducted while the fruit is on shipboard in transit to the United States. If not so refrigerated, the fruit must be both precooled and refrigerated after arrival

only in cold storage warehouses approved by the Administrator and located in the area north of 39° latitude and east of 104° longitude or at one of the following ports: The maritime ports of Wilmington, NC, Seattle, WA, Corpus Christi, TX, and Gulfport, MS; Seattle-Tacoma International Airport, Seattle, WA; Hartsfield-Atlanta International Airport, Atlanta, GA; and Washington Dulles International Airport, Chantilly, VA. Fruit that is to be refrigerated in transit must be precooled either at a dockside refrigeration plant prior to loading aboard the carrying vessel, or aboard the carrying vessel. Refrigeration must be completed in the container, compartment, or room in which it is begun.

(2) *Precooling of fruit before departure.* Fruit which is to be refrigerated in transit must be precooled to the temperature designated in or under paragraph (a) of this section. The precooling may be conducted in accordance with either paragraph (b)(2) (i) or (ii) of this section:

(i) Fruit may be precooled at a dockside refrigeration plant prior to loading aboard the carrying vessel. Such fruit shall be precooled to a temperature at which it can be transferred to the refrigerated compartments on such vessel without a rise above the maximum temperature prescribed in or under paragraph (a) of this section. A responsible official of the Department of Agriculture of the country of origin shall sample fruit temperatures in all sections of the lot of fruit until he is satisfied that complete precooling has been accomplished in accordance with this section and shall issue a certificate to that effect. As the loading proceeds the certifying official shall take frequent temperature readings of individual boxes of fruit. A record of such temperature readings shall accompany the certificate.

(ii) Fruit may be precooled aboard the carrying vessel. Such fruit shall be precooled in the same refrigerated compartments in which it is to be refrigerated. The boxes of the fruit shall be spaced by horizontal wooden strips, so that each has at least 1 inch of clearance above and below to allow free circulation of the cooling air. At least 2 inches of clearance shall be allowed